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376.190 5205 Tripartite Subgroup referred to in TOSE 33 actively pursuing question possible referral to UN, with view presenting agreed conclusions to Murphy, Alphand and Caccia. As apparent from TOSEC 87 seems clear advantage would be all with West if UN could be seized of situation at point after negotiations demonstrably about to fail or had failed, and before Soviets had taken initiative of any kind. If West could move speedily enough within that presumably short time interval, UN tendency to support status quo could e brought effectively to play on Western side, without depriving est of freedom of action independently to counter later Soviet moves which breached status quo. Soviet violation UN resolution calling for preservation

status quo would leave it open for West to take appropriate a counter act:

EUR: GER: AGVigderman

EUR - Foy D. Kohler

EUR - Mr. Nunley (in draft) Ast) G - Mr. Murphy UNP - Mr. Sisco Aco (in draft) 8/8 - Mr 3014/0

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If , on the other hand, timing Soviet initiative should change status quo before West could sieze UN of situation different situation will have been created. A decision on whether and when to mk seize the UN of the Berlin problem after the USSR transfers access controls to GDR would depend on a number of factors prevailing at the time. Dept. working group is preparing detailed analysis of reference of Berlin question to UN under several possible contingencies in addition to one covered in SECTO 87 and will cable results of study when cleared.

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